IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 801 of 1996

Between:

C.O.Fathima W/o. Tammin Saheb
R/o. Sullurpet Nellore Dist.

..... PETITIONER

AND

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The M.R.O.,
Sullurpet Nellore Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order, or direction, more particularly one in the nature of writ of Mandamus declaring the high handed action of the respondent in trying to dispossess the petitioner from the lands in Sy.No.9 of Sullurpet (V), Sullurpet (M), Nellore Dist. which is bounded by barbed wire fencing and within the boundaries East: G.N.T.Road, Nerrikaluva, West:Kalangi river, North: Donka, South: Nerrikaluva, as illegal, arbitrary and viollative of principles of natural justice besides violative of Art. 14,21 and 300-A of the Constitution of India and consequently direct the respondent not to dispossess or in anyway interference with the peaceful possession and enjoyment of the petitioner of the above said lands except in accordance with the process of Law.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

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ORDER:

The case of the petitioner is that she purchased Acs.0.65 cents in S.No.9 of Sullur

Village, with barbed wire fencing under a registered sale deed dated 19.10.1972 from Mrs. Zmiath Beebi alias Kali Beebi, who was in possession of the same and that the respondent without any notice or any rights whatsoever had planted flags, with a view to take possession of her land and so she is seeking a direction to the respondent not to interfere with her possession.

Heard the learned counsel for the petitioner and learned Government Pleader for Land Acquisition.

Petitioner did not produce the sale deed under which she purchased the land in S.No.9, but produced cist receipt dated 11-5-1995 to show that she paid non-agricultural land tax in respect of 1749 sq. yds. site. Since there is prima facie evidence to show that petitioner is in possession of 1749 sq. yds. of site, this petition is disposed of with a direction to the respondent not to dispossess the petitioner from the aforesaid 1749 sq. yds. of site without taking recourse to due process of law.

The Writ Petition is disposed of accordingly. No costs.

C.Y. Somayajulu, J.

13th July, 2005

js.

To

1 The Mandal Revenue Officer, Sullurpet, Nellore District.

2 Two CCs to G.P. for Revenue, High Court Buildings,

Hyderabad.

3 2 CD copies.